MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING AUGUST 17, 2007

RAMADA PLAZA HOTEL 435 SMOKEY PARK HIGHWAY ASHEVILLE, NC 28806

BOARD MEMBERS PRESENT

BOARD MEMBERS ABSENT

James StevensGrady ConnerRichard AllenBill BoothBrenda BishopSteve JohnsonBerkley BlanksRon BurrisRichard JenkinsDavid GrimesSheriff AsheCarlton Miles

David Pendry

STAFF PRESENT

Terry Wright - Director Charles McDarris - Attorney
Mark Poole - Deputy Director Susan Harrison - Board Secretary

Larry Liggins - Field Services Supervisor Jennifer Mooney -Reporter

Tim Pressley - Training Officer Phillip Stephenson Helen Parker Cynthia Hepburn

GUESTS PRESENT

David Arndt Wayne Trachtensing Gregory A. Hatten Frank Kiker Katherine Kiker Larry Alexander Paul Scholl Monty Clark Nick Nicholson Jeff Kiker Larry Flannery Bill Fletcher Delmar Laury David Ferrell Robert Rogalski Mack Donaldson Wayne Hall Dorian Dehnel

Mr. Blanks called the August 17, 2007 Private Protective Services Board Meeting to order at 9:00 a.m. Mr. Blanks asked Mr. McDarris to explain Governor's Executive Order Number One. Mr. McDarris advised that Executive Order Number One has been signed by Governor Easley and addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove himself from deliberation and vote on that matter and so state on the record.

Mr. Blanks read into the record a letter addressing concerns that had previously been expressed by Mr. Miles and Mr. Conner. The letter states the following:

Dear Sirs:

As I reflect on my past year as Chairman of the Private Protective Services Board, I wish not only to express personally my gratitude for the investment of time and energy you have contributed in service to the citizens of this State, but I also wish to apologize if in my role as chairman I have said or done anything or acted in any mannerwhich would be perceived as falling short of the high standards this Board has set for itself and its chairman. I ask that this letter be entered into the official record of the Board. Sincerely, Berkley Blanks.

Mr. Blanks called for the election of officers for 2007-2008. Mr. McDarris reminded the Board members that at a previous meeting, the Board voted to have an open vote process for these elections, by show of hands or voice vote.

Nominations were taken for Board Chairman. Mr. Booth nominated Mr. Blanks. Seconded by Mr. Stevens.

MOTION BYMR. BURRIS TO CLOSE THE NOMINATIONS. SECONDED BYMR. ASHE. MOTION APPROVED.

Mr. Blanks was elected as Chairman of the Board by acclamation.

Nominations were taken for Vice Chairman. Mr. Stevens nominated Mr. Allen. Seconded by Mr. Grimes.

MOTION BYMR. ASHE TO CLOSE THE NOMINATIONS. SECONDED BYMS. BISHOP. MOTION APPROVED.

Mr. Allen was elected as Vice Chairman by acclamation.

Nominations were taken for Chairman of Screening Committee. Mr. Blanks nominated Mr. Allen. Seconded by Mr. Grimes.

MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY MR. STEVENS. MOTION APPROVED.

Mr. Allen was elected Chairman of the Screening Committee by acclamation.

Nominations were taken for Chairman of the Grievance Committee. Mr. Blanks nominated Mr. Grimes. Seconded by Mr. Ashe.

MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY MR. PENDRY. MOTION APPROVED.

Mr. Grimes was elected Chairman of the Grievance Committee by acclamation.

Nominations were taken for Chairman of the 74C Rewrite Committee. Mr. Ashe nominated Judge Burris. Seconded by Mr. Grimes.

MOTION BY MR. PENDRY TO CLOSE THE NOMINATIONS. SECONDED BY MR., BOOTH. MOTION APPROVED.

Judge Burris was elected Chairman of the 74C Rewrite Committee by acclamation.

Nominations were taken for Chairperson of the Finance Committee. Mr. Blanks nominated Ms. Bishop. Seconded by Mr. Pendry.

MOTION BY JUDGE BURRIS TO CLOSE THE NOMINATIONS. SECONDED BY MR. ASHE. MOTION APPROVED.

Ms. Bishop was elected Chairperson of the Finance Committee by acclamation.

Nominations were taken for Chairman of the Training and Education Committee. Mr. Booth nominated Mr. Stevens. Seconded by Mr. Blanks.

MOTION BY MR. PENDRY TO CLOSE THE NOMINATIONS. SECONDED BY MR. GRIMES. MOTION APPROVED.

Mr. Stevens was elected Chairman of the Training and Education Committee by acclamation.

Mr. Blanks asked all Board Members to email him within 10 days and advise him of the committees that they would like to serve on. He did remind them that no one can serve on both the Grievance and Screening Committees.

GOOD OF THE ORDER

Monty Clark of the NCAPI advised the Board that he was appreciative of everything the Board has done. He stated there are some issues with the rules and regulations that will be addressed in the future and presented to the Board. He further stated that the Association will be looking at continuing education. The last seminar that NCAPI had was very successful. He thanked Mr. Blanks and Mr.Wright for attending the seminar. He also advised that the next scheduled seminar will be October 25 - 27 at the Sheraton Hotel in Chapel Hill.

Mr. Alexander stated that he did have some concerns with 74C, and he will be addressing those concerns in the future.

Mr. Blanks stated that 74C is a very important tool for the Board to work with and in his opinion the rules are somewhat antiquated. He further stated that the Board will be addressing 74C in the future. Mr. Blanks also stated that the Board will have open meetings throughout the state and will solicit input from the industry as well as other citizens.

Mr. Wright announced that Helen Parker will be retiring effective October 1st. Mr. Wright commended her on her retirement and thanked her for her many years of service to the State.

Mr. Liggins thanked Investigator Parker for her many years of service and dedication to the State.

Mr. Blanks expressed his gratitude and wished her well.

Mr. Liggins introduced Mr. Phillip Stephenson to the Board. Mr. Stephenson will serve as a Temporary Investigator due to Ms. Parker's retirement. Mr. Stephenson has extensive investigative experience.

APPROVAL OF THE JUNE 22, 2007 MEETING MINUTES

MOTION BY MR. GRIMES TO APPROVE THE MINUTES OF THE JUNE 22, 2007 MEETING. SECONDED BY MR. CONNER. MOTION CARRIED.

APPROVAL OF THE JULY 27, 2007 EMERGENCY TELECONFERENCE MEETING MINUTES

MOTION BY MR. PENDRY TO APPROVE THE MINUTES OF THE JULY 27, 2007 EMERGENCY TELECONFERENCE MEETING. SECONDED BY MR. STEVENS. MOTION CARRIED.

Mr. Wright briefed the Board on the Allied Barton matter which is before the Board today for discussion. Mr. Wright stated that in 2005 Barton appeared before the Board as a result of a 2003 audit which Barton

entered into a Settlement Agreement with the Board. The Settlement Agreement was extended to December 2005 and as a result of that agreement staff was requested to conduct another audit of Allied Barton and present the results to the Board. When the case was presented in 2005, we were dealing with two separate companies - Allied and Barton. The companies have since merged to form Allied Barton. HelenParker presented the report. Mr. David Ferrell, Attorney representing Allied Barton, Delmar Laury, General Manager of Allied Barton Security Services and Robert Rogalski, District Manager Raleigh office for Allied Barton were present.

Ms. Parker presented the audit from October 1, 2005 - Dec, 31, 2005, advising there were 9 registration violations, 1 no record, 3 unarmed late registration, 1 unarmed late renewal, 24 unarmed work denied, 1 armed work denied. From January 1, 2006 through September 30, 2006 there were 32 registration violations. Two unarmed late new applicants, five unarmed late renewals and one of the five worked while denied, twenty four unarmed new applicants worked denied and one armed applicant worked denied.

Mr. McDarris requested that Ms. Parker go through the history of the company.

Ms. Parker stated the time line for Barton Protective Services was the following. In 1999, the company paid a consent in the amount of \$489.60 for 6 unregistered unarmed guards. October 2000, the company paid a consent in the amount of \$44,798.40 for 20 armed guard registration violations and 519 unarmed guard registration violations. June 2002, the company paid a consent in the amount of \$81.60 for 1 unarmed guard violation. October 2003, the company paid a consent in the amount of \$19,747.20 and also paid a civil penalty in the amount of \$122,600 for registration violations. April 2005 the company paid a consent in the amount of \$1,285.20. June 17, 2005 the Board voted to extend the current Settlement Agreement with Allied Barton for a period of 1 year. During that time Barton must conduct quarterly self audits and send copies of their findings to the Director. Barton must also pay for the annual audits. Barton agreed to perform self audits on a quarterly basis with the final quarter being December 31, 2005. Barton agreed staff would attend any educational programs recommended by the Director and also cover the cost of any such training. This agreement was extended to October 2005. Audits for the first and second quarter of 2005 was received on September 13, 2005. Audits for the third quarter of 2005 was received December 7, 2005.

Allied Security on August 2005 paid a consent in the amount of \$30,783.60 for 346 unarmed guard registration violations. They also agreed to quarterly self audits for 1 year and copies of their audits were to be sent to the Director. They would also pay the expense of the annual audit.

At the August 19, 2005 Board Meeting, Mr. McDarris reported that Barton Attorney David Ferrell advised that Barton and Allied had merged, with the merger being completed at the end of 2005. Effective January 2006, the company would be referred to as Allied Barton Security Services.

On December 2, 2005, Board Attorney Mr. McDarris sent Allied Barton Attorney Mr. David Ferrell a letter outlining the time line of the self audits as well as advising when they were due to PPS.

On May 24, 2006, Director Wright sent Allied Barton Attorney Mr. David Ferrell a letter advising him that as of May 15, 2006, Allied Barton had not submitted audits for fourth quarter 2005 and the first quarter of 2006. The fourth quarter of 2005, which is October through December, was received July 18, 2006. The first quarter of 2006, which is January through March, was received July 7, 2006. Second quarter of 2006, which was April through June, was received September 19, 2006. Third quarter of 2006, which was July through September, was received on March 22, 2007. The annual self audit for 2006 was received April 8, 2007.

When Allied Barton realized they had further violations, Attorney Mr. Ferrell and the Licensee did report to the PPS staff that they had discovered registration violations during their self audits.

Mr. McDarris stated that the Grievance Committee had originally recommended to revoke the license of Barton Security. The case went to the Office of Administrative Hearings on appeal and resulted in a Settlement Agreement between the company and the Board. There was a report made back in 2003 and this settlement was extended until 2005. The Board was provided a copy of the extension of the Settlement Agreement. There is a provision in the Agreement in paragraph 13, that this matter will come before the full Board for presentation of the audits. As a result of the Agreement, staff is presenting the case today for the full Board's review and consideration.

Attorney David Ferrell addressed the Board. Mr. Ferrell stated that all the persons responsible for prior violations have been dismissed. During the audits they found a problem with the Raleigh office and they have dismissed that person. Out of the 41 violations that they found all but 5 were the former QA's responsibility and he has been dismissed. Allied Barton has taken steps to make sure none of the prior problems will take place again.

Mr. David Grimes discussed having the self audits from fourth quarter 2006 through third quarter 2007 be presented to the Board in August 2008. The audits shall be turned into PPS no later than 90 days after the quarter.

MOTION BY MR. GRIMES TO REQUIRE ALLIED BARTON TO CONDUCT SELF AUDITS FROM FOURTH QUARTER 2006 THROUGH THIRD QUARTER 2007 AND STAFF PRESENT THE AUDITS TO THE BOARD IN AUGUST 2008. ALL SELF AUDITS BE TURNED INTO PPS NO LATER THAN 90 DAYS AFTER THE QUARTER ENDS. SECONDED BY MR. CONNER. MOTION CARRIED.

Mr. McDarris advised the Board regarding the consent amount of \$4,232.20 and the \$2,000.00 for the cost of the audit for Allied Barton.

MOTION BYMR. BOOTH TO ACCEPT THE AMOUNTS PROVIDED BYMR. MCDARRIS AND ALLOW ALLIED BARTON TO ENTER INTO A CONSENT WITH THE BOARD FOR \$6,243.20. SECONDED BY MR. BURRIS. MOTION CARRIED.

Mr. McDarris asked the Board whether there were any stipulations to the Branch office application that was initially approved.

MOTION BY MR. GRIMES TO ACCEPT THE SCREENING COMMITTEE APPROVAL ON THE BRANCH OFFICE. SECONDED BY MR. BURRIS. MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Ashe advised that the Screening Committee met on Thursday, August 16, 2007, from 8:05 am until 11:30 pm to consider a total of 43 applications. The committee members were Mrs. Brenda Bishop, Mr. Jimmy Ashe, and Mr. David Pendry The attached report was read to the Board. (See attached report)

Mr. Stevens had questions regarding Frank Galizia. Mr. McDarris stated that if there are concerns this item needs to be referred back to Screening Committee for consideration for the next Board meeting.

MOTION BY MR. GRIMES TO REFER FRANK GALIZIA'S APPLICATION BACK TO THE SCREENING COMMITTEE FOR FURTHER CONSIDERATION. SECONDED BY MR. CONNER. MOTION CARRIED.

MOTION BYMR. CONNER TO ACCEPT THE SCREENING COMMITTEE REPORT ON APPLICANTS. SECONDED BY MR. GRIMES. MOTION CARRIED.

Mr. Ashe presented the following registration report for the period of 06/15/2007 through 08/14/2007. Total registrations 3,673; armed totals were 477 of which 225 were new, 232 renewals, 16 reissue/dual, 4 duplicate. Unarmed totals were 3,196 which includes 1,501 new, 1,576 renewals, 113 transfers and 6 duplicates. Total denials 493 of which 83 were denied for cause and 410 which were correctable denials. There were 396 applications approved which were previously denied for a total of 889 denials reviewed.

MOTION BY MR. GRIMES TO ACCEPT THE REGISTRATION REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Burris reported the Grievance Committee met on Wednesday August 15, 2007, from 1:00 pm until 3:30 pm to consider a total of 9 cases. The committee members were Mr. Ron Burris, Mr. Grady Conner,

Mr. David Grimes and Mr. James Stevens. The attached report was read to the Board. (See attached report)

MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MR. GRIMES. MOTION CARRIED.

Judge Burris requested an amendment to the Motion regarding Kenneth Earl Hawkins case. Judge Burris stated that the motionshould reflect the committee's recommendation that Mr. Hawkins armed registration should be suspended.

Mr. Booth accepted Judge Burris amendment to his motion.

Mr. Conner recused himself from the Quackenbush hearing.

FINAL AGENCY DECISION:

2007-DOJ-0468- Jeffrey S. Moore vs. PPS Board. Mr. McDarris presented the case to the PPS Board. The ALJ recommended that the Respondent's decision to suspend Petitioner's private investigator license for six months should be suspended on condition that he repay \$351.25 to Ms. Broughton.

MOTION BY MR. BOOTH TO ACCEPT THE ADMINISTRATIVE LAW JUDGES DECISION. SECONDED BY MS. BISHOP. MR. BOOTH WITHDRAWS HIS MOTION.

MOTION BY MR. PENDRY TO DEFER THE CASE UNTIL OCTOBER THE BOARD MEETING. SECONDED BY MR. ASHE. MOTION CARRIED.

TRAINING AND EDUCATION:

Mr. Tim Pressley announced that an Unarmed Guard Trainer Course has been scheduled for August 16, 17, and 20, 2007, at Wake Technical Community College (WTCC). A Firearms Training Course is scheduled for October 1-5, 2007, at the North Carolina Justice Academy (NCJA). A Firearms Trainer recertification course is scheduled for October 2, 2007, at the North Carolina Justice Academy (NCJA). An Unarmed Guard Trainer Course is scheduled for December 6, 7, and 10 at WTCC. Presently we have 428 certified PPS unarmed trainers. We currently have 108 PPS certified armed trainers and 114 PPS certified OC spray trainers.

Mr. Pressley attended the North Carolina School Directors Conference in Wilmington, NC. During that time he took the opportunity to explain how PPS training programs work. At the conference Barbara Boyce, the Director of the North Carolina Community College Schools Continuing Education Program, asked that he attend a conference in October to discuss what training is needed for PPS. He will report back to the Board in October concerning that meeting.

Monty Clark asked that the NCAPI be included in future discussions regarding changes/amendments to 74C. Mr. Blanks assured him that the Association would continued to be included in the process.

MOTION BY MR. CONNER TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. SECONDED BY MR. GRIMES. MOTION CARRIED

FINANCE COMMITTEE:

Ms. Bishop reported there was no report for the Finance Committee:

GRIEVANCE COMMITTEE:

Mr. Burris reported no other matters to report.

SCREENING COMMITTEE:

Mr. Ashe reported that Mr. Wright had presented the committee with a proposal to standardize the written plan of supervision which is required for Temp permits. Mr. Wright presented the committee with the plan of supervision and the Committee did approve the plan.

Mr. Wright addressed the Board explaining that since the Plan of Supervision was adopted, we receive some that are one sentence long and some that are three pages long. The proposal is designed to give a more structured outline so that they are more uniform. It will be mailed with the packets when the applicant requests a packet to be mailed.

MOTION BY MR. CONNER TO ACCEPT THE WRITTEN PLAN OF SUPERVISION OUTLINE. SECONDED BY MR. GRIMES. MOTION CARRIED.

MOTION BYMR. BOOTH TO ACCEPT THE SCREENING REPORT. SECONDED BYMR. BURRIS. MOTION CARRIED.

74C RE-WRITE COMMITTEE:

Nothing to report at this time.

AFFIDAVIT SUBCOMMITTEE:

Mr. Ashe advised that the sub committee met yesterday and came up with a set of requirements regarding the affidavit process. Mr. Ashe advised the Board that the committee recommended the following criteria for acceptance of Affidavits:

1. Prior to the applicant submitting an Affidavit, the case will be presented to the Screening Committee, and the applicant and investigator explain all efforts that the applicant and/or investigator used to obtain documentation of experience. Then, if the Screening Committee deems it appropriate, only the committee can suggest to the applicant that he/she should obtain the affidavits.

- 2. The applicant must provide credible information that the records cannot be obtained. Example: military policy regarding disclosure of confidential information, copies of state law or agency policy regarding purging of records.
- 3. The person submitting the affidavit must have personal knowledge of the applicants background.
- 4. The investigator should interview all personnel submitting Affidavits to verify information.
- 5. The applicant should be required to attend the Screening Committee meeting when using an affidavit.
- 6. Personnel submitting affidavits must meet with the Investigator in person or appear before the Screening Committee.
- 7. Affidavits should be considered as a mechanism to verify experience. Approval of an applicant should not be granted automatically based solely on the submission of an affidavit.

MOTION BY MR. STEVENS TO ACCEPT THE AFFIDAVIT RECOMMENDATIONS. SECONDED BY MR. GRIMES. MOTION CARRIED

OLD BUSINESS:

None

EVENT STAFFING COMMITTEE:

Judge Burris informed the Board that the committee met July 25, 2007 at 2:00 pm in Raleigh. The committee reviewed the handout that is included in your packet. The handout provided illustrates the distinction between security and non-security personnel. The form would be used by staff if they went to an event. It would also be available after each event in case there are any complaints and would be available for audits. Judge Burris advised that the committee left with the understanding that event personnel were going to distinguish their security and non-security personnel job functions for each event so that the Director could determine if they were in compliance with PPS Board requirements. There was also concerns that it would not be clear to staff and the public who were security personnel. We decided that those with pending Grievance matters that they would get with the Director or Investigator and review the allegations and facts and based on the task that everyone agreed was security related they would try to come up with an agreement as to the number of violations in the audit.

MOTION BY MR. ASHE TO APPROVE THE EVENT STAFF SUBCOMMITTEE RECOMMENDATIONS. SECONDED BY MR. BOOTH. MOTION CARRIED.

NEW BUSINESS:

None

DIRECTOR'S REPORT

Mr. Wright reported that the operating budget as of 06/29/07 was \$317,130.13 and the PPS Recovery Fund balance as of 07/01/07 is \$72,213.53. Total active registrants and licensees are 20,753. Mr. Wright advised that correspondences printed since last Board meeting is 5,995 also includes 3,478 registration cards, and 372 licenses. Mr. Wright also reported that the total number of applications received since last Board meeting including both registration and licensing were 4,588.

Mr. Wright advised the IASIR Conference is scheduled for Columbus Ohio this year October 31 - November 2, 2007. Mr. Wright advised that if the Board is planning on sending members to the meeting, we will need a motion and vote as to who will be representing the Board. Mr. Blanks stated that it was his opinion that Judge Burris as the 74C Rewrite Chairman would benefit from attending the meeting. No other members expressed an interest in attending the meeting.

MOTION BYMS. BISHOP THAT THE PPS BOARD WOULD SEND TWO MEMBERS AND THE SECOND MEMBER COULD BE NAMED AT A LATER DATE. SECONDED BYMR. STEVENS. MOTION CARRIED.

Mr. Wright presented the Board with Attorney Jeff Gray's contract for this fiscal year.

MOTION BY MR. GRIMES TO ACCEPT MR. GRAY'S CONTRACT. SECONDED BYMR. BOOTH. MOTION CARRIED.

Mr. Wright also advised the Board that at the end of July the staff and the Board's Attorney met with vendors who provide online records checks. Mr. Wright stated that currently the process has been that the Board will accept online records checks from North Carolina only because they can access AOC records database and as a result we know that the record is accurate. We have started to gather information concerning online records checks from other states and at a future meeting we will present the information to the Board.

Mr. Blanks asked for an update of the new ID Card System. Mr. Wright informed the Board that it will be operational September 4, 2007.

MOTION BY MR. PENDRY TO ACCEPT THE DIRECTOR'S REPORT. SECONDED BY MR. CONNER. MOTION CARRIED.

Mr. Monty Clark addressed the Board with his concerns about the Recovery Fund getting higher again and the concerns that funds might be taken from our account again. He asked what can we do to protect it.

MOTION BY MR. GRIMES TO REINSTATE THE PAST EFFORTS TO TRY TO GET MONEY TAKEN FROM THE RECOVERY FUND BUDGET BACK. SECONDED BY MR. CONNER. MOTION CARRIED.

MOTION BY MR. BURRIS TO ACCEPT THE DIRECTOR'S REPORT. SECONDED BY MR. ASHE. MOTION CARRIED.

ATTORNEY'S REPORT

Mr. McDarris presented the following report:

CONSENT AGREEMENTS & CIVIL PENALTIES:

US Security Associates- Two Consent Agreements were issued. One to Licensee Geldon Harper for \$1,224.00 and the other to Licensee Archie Bryant for \$408.00 Both Agreements have been paid.

Craig A Michalski - Nation Wide Security, Inc. - Consent Agreement for \$4,692.00 has been paid.

Joseph Becker - Consent Agreement for unlicenced activity in the amount of \$918.00 had been issued. I will report back at the next meeting.

William Bagget - Civil Penalty of \$500.00 for failing to give a report has been issued. I will report back at the next meeting.

OFFICE OF ADMINISTRATIVE HEARINGS & SUPERIOR COURT:

Mr. McDarris reported we have a number of cases scheduled as indicated on attachment number one.

RULES

Mr. McDarris reported that there are a number of rules that have been filed with the Rules Review Commission. They have initiated a new filing process online. He stated that he will re-file them and report back at the next meeting.

Mr. McDarris will report back at the next meeting on rule 0801.

Mr. McDarris stated that Senate Bill 854 was ratified by the General Assembly on August 2, 2007 and went to the Governor on that date for his consideration. The proposed effective date will be October 1, 2007.

Mr. McDarris stated that Senate Bill S1120, which is the Company Police Bill, did not pass.

There was an amendment to 74C 3(b)(16) through House Bill 38. That language was put in specifically at the request of Greg Pratt, which is included as item#4 on the Attorney's Report. The Grievance Committee had voted to issue a Cease and Desist letter to Project Life Saver and to Greg Pratt. Project Life Saver

and their attorney went to Representative Wainwright who introduced legislation as House Bill 38. After the telephone conference held with the Board the language was put into the statute which you will see in attachment #2. On the third page it is noted in subsection 16 of 74C 3(b). Representative Wainwright asked that we send a copy of that letter to him before it is sent out. We have drafted a copy and sent it out to him, but have not heard anything back.

Mr. McDarris reported to the Board that House Bill 1231 had been ratified and the bill waives the requirement to obtain a concealed handgun permit to carry a concealed handgun for certain persons authorized by federal law to carry concealed handguns and for certain federal and state retired law enforcement officers. The bill further exempted armed armored car service guards and armed security guards while performing certain duties on certain educational property.

Mr. McDarris addressed the computer forensic matter the Board voted on at the last meeting. Several Board members have advised of a company that may be violating the statue concerning forensics investigations. We have spoken with the Attorney representing the company in question and the company will send a representative to the next Board meeting. Mr. Booth had conducted some research on this subject and he addressed the Board with his findings.

Mr. Booth stated some of the individuals conducting computer forensics investigations are stating that they are obtaining the data without analyzing the data and therefore they are not investigators. Mr. Booth stated that one of the primary text books on this subject is published by Lucid Technologies, it's called Computer Forensics and it's been out about 4 or 5 years. According to Mr Booth, this book is used in many of the training courses that teach people how to conduct forensics investigations. The first two pages of the text will explain what computer forensics is all about. Mr. Booth stated that we are not only talking about computer forensics but any electronic storage devise. The first sentence is if the computer is used for a crime or is the target of a crime. Mr. Booth advised that if you would skip two sentences you will see and it's stated throughout this book that this process is referred to as an investigation. If you go down to the bold type that say "What is Computer Forensics", it states computer forensics involves preservation, identification, extraction, documentation, interpretation of computer data. If you skip to the end of the second page it also states the three basic steps of computer forensics are acquiring the evidence, authenticating the evidence and analyzing the data. In reference to Mr. Poole's report from the Raleigh PD on this issue, the conclusion was made that anyone working with computer forensics would have to come up with some sort of analysis of the computer and its data in order to obtain the data being sought. Much of the same information was received by Mrs. Bishop by the Greensboro PD. Mr. Booth stated that he also obtained additional information from other source on the internet. At least 12 states are struggling with this same issue right now. Mr. Booth discussed the proposed computer forensics resolution by stating that it basically states that we require anyone engaging in obtaining the analysis of that data to be licensed and that we specifically exempt persons who are analyzing for the purpose of servicing upgrading, maintaining or repairing those computers or

persons who analyze computers such as accountants who are doing the analysis for specific reasons other than investigative.

Mr. McDarris reported that the Yahoo Subpoena findings came back with the name of Andrew Tilman, with a birth date of 1/12/1969. Further investigation has determined that it is unlikely that this person exist. The IP address came back to a BellSouth address in the Charlotte area.

MOTION BY MR. CONNER TO LOOK INTO THE MATTER FURTHER. SECOND BY JUDGE BURRIS. MOTION CARRIED.

Mr. McDarris addressed the insurance coverage for the Board. Mr. Rippard from the Department of Insurance will come to the next Board meeting in Raleigh and speak to the Board about possible coverage.

Mr. McDarris also stated that Padgett v. PPS settlement agreement is attachment #4. The Board had voted via conference call to settle the matter for \$4,000.00.

MOTION BY MR. STEVENS TO ACCEPT THE SETTLEMENT AGREEMENT . SECOND BY MR.BOOTH. MOTION CARRIED.

MOTION BY MR. PENDRY TO ACCEPT THE ATTORNEY'S REPORT. SECONDED BY JUDGE BURRIS. MOTION CARRIED.

MOTION BY MR. GRIMES TO ADJOURN. SECONDED BY MR. PENDRY. MOTION CARRIED.

12:00

Terry Wright
Director

Jennifer P. Mooney
Reporter